

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES BIERMAN,

Plaintiff,

v.

KERN COUNTY SHERIFF DETENTION
FACILITY MEDICAL
ADMINISTRATION,

Defendant.

Case. 1:20-cv-1777-HBK (PC)

ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS* AND
DIRECTING PLAINTIFF TO RE-FILE PROPER
APPLICATION OR PAY FILING FEE WITHIN
THIRTY (30) DAYS

(Doc. No. 2)

Plaintiff, a state prisoner, initiated this action by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1). Plaintiff accompanied his complaint with an unsigned application to proceed *in forma pauperis*. (Doc. No. 2). The court finds plaintiff's application to proceed *in forma pauperis* deficient. A party seeking to proceed *in forma pauperis* must sign his application under penalty of perjury. 28 U.S.C. § 1915(a)(1); *see also* Fed. R. Civ. P. 11(a); Local Rule 131(b). Plaintiff's application is not signed. (Doc. No. 2, p. 2). Further, a prisoner seeking to proceed *in forma pauperis* in a civil action shall accompany his application with a certified copy of his inmate trust account statement for the 6-month period immediately preceding the filing the action. 28 U.S.C. § 1915(a)(2). Plaintiff did not accompany his

1 application with a certified copy of his 6-month inmate trust account statement.

2 Accordingly:

- 3 1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is **DENIED without**
4 **prejudice.**
- 5 2. Within thirty (30) days of the date of service of this order, plaintiff shall sign and file
6 the enclosed application to proceed *in forma pauperis* certifying the information
7 contained therein under penalty of perjury accompanied by his certified 6-month
8 inmate trust account statement, or in the alternative, pay the \$402.00 filing fee for this
9 action.
- 10 3. **Plaintiff's failure to timely comply with this order or seek an extension of time to**
11 **comply will result in dismissal of this action without further notice.**

12
13 IT IS SO ORDERED.

14
15 Dated: December 22, 2020


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE